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APR 12 2006

PTO/SB/21 (09-04)

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FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number

10/891,565

Filing Date

10/24/2003

First Named Inventor

David C Lovetro

Art Unit

1746

Examiner Name

Carrillo, Bibi Sheridan


Attorney Docket Number

000600-016

**ENCLOSURES (Check all that apply)**


<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Pre-Appeal Brief Request for Review (transmittal and 3 pages accompanying arguments)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<b>Remarks</b>	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	WHITE, REDWAY & BROWN LLP		
Signature			
Printed name	DAVID J SERBIN		
Date	04/12/2006	Reg. No.	30,589

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	DAVID J SERBIN	Date	04/12/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 12 2006

PTO/SB/33 (07-05)

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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <div style="text-align: center; font-family: cursive;">000600-016</div>	
I hereby certify that this correspondence is being deposited with the <del>United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450</del> [37 CFR 1.8(a)]  on <u>April 12, 2006</u> Signature <u>David J. Serbin</u>  Typed or printed name <u>DAVID J SERBIN</u>		Application Number <div style="text-align: center; font-family: cursive;">10/691,555</div> Filed <div style="text-align: center; font-family: cursive;">10/24/2003</div> First Named Inventor <div style="text-align: center; font-family: cursive;">David C. Lovetro</div> Art Unit <div style="text-align: center; font-family: cursive;">1746</div> Examiner <div style="text-align: center; font-family: cursive;">Carrillo, Bibi</div>	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).            Note: No more than five (5) pages may be provided.</p>			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>30,589</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<div style="text-align: center; font-family: cursive; font-size: 1.2em;">David J. Serbin</div> <hr/> <div style="text-align: center;">DAVID J. SERBIN</div> <div style="text-align: center;">Typed or printed name</div> <hr/> <div style="text-align: center; font-family: cursive; font-size: 1.2em;">703 299 0035</div> <hr/> <div style="text-align: center;">Telephone number</div> <hr/> <div style="text-align: center; font-family: cursive; font-size: 1.2em;">04/12/2006</div> <hr/> <div style="text-align: center;">Date</div>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**APR 12 2006**

In re Patent Application of

Attorney Docket No. 000600-016

David C. Lovetro

Confirmation No. 7490

Application No. 10/691,555

Group Art Unit: 1746

Filed: October 24, 2003

Examiner: Bibi Sharidan Carrillo

For: CHEMICAL COMPOSITION AND  
METHOD

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellants request a review of the Final Rejection mailed December 12, 2005 in view of  
the following remarks.

Patent  
Attorney's Docket No. 000600-016

**REMARKS**

Reference is made to appellants' response to the Final Rejection filed March 21, 2006, and specifically to the arguments beginning on page 7, line 12 wherein the rejections are discussed.

The claimed invention relates to a method for cleaning metals. One of the primary references cited by the Examiner is Brasch, U.S. Patent No. 4378270. Brasch relates to a method of etching copper, and is specifically directed to a post etching method and composition which aids in the recovery of copper from the spent etching solution.

The cleaning of metals is fundamentally different from the etching of metals, as appellants point out in their specification at page 3, lines 22-24. Etching is the purposeful removal of metal from the substrate surface. By contrast, a cleaning process does not remove significant amounts of metal from the substrate, only impurities at the substrate surface. This fundamental difference between etching and cleaning is so well known that it hardly requires supporting extrinsic evidence. Nevertheless, from Webster's II New College Dictionary, Houghton Mifflin Co. (1995), come the following definitions:

Etching: *To cut into the surface of by the action of acid...*

Cleaning: *To rid of dirt; to free of impurities...*

In her Final Rejection, the Examiner, against all objective evidence, concludes that etching and cleaning are equivalent. She then uses this "equivalency" as a basis for applying Brasch, either alone or in combination with other references. Clearly the rejections based on Brasch are not proper and are without basis, since there is no teaching in Brasch of *cleaning* a metal, as claimed by appellants.

Patent  
Attorney's Docket No. 000600-016

The Examiner also rejects the claims based on newly cited primary reference Sugihara et al., U.S. Patent No. 5705089. Sugihara et al. is even further afield, since it lacks any mention of treating metals of any sort. This reference is instead directed to the cleaning of a semiconductor substrate. Furthermore, as the Examiner readily admits, Sugihara et al. "fails to teach the claimed concentration of phosphonic acid." So, not only does Sugihara et al. fail to teach the cleaning of metals, it fails to teach appellants' claimed cleaning composition used in the method. To allege a *prima facie* case of obviousness, therefore, the Examiner must imagine the skilled artisan using a *composition* different from Sugihara et al. for a *purpose* different from Sugihara et al. (i.e., cleaning of metals.)

Clearly the rejections based on Sugihara et al., either alone or in combination, are not proper and are without basis, since there is no teaching in Sugihara et al. of cleaning a *metal*, using a *composition as claimed by appellants*.

For the above reasons, it is respectfully requested that the rejections be withdrawn.

The Commissioner is authorized to charge any fees associated with the filing of this paper to Deposit Account No. 503015.

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Date: April 12, 2006

Respectfully submitted,

WHITE, REDWAY & BROWN LLP

By: 

David J. Serbin

Registration No. 30,589